

**RESOLUTION No. 455**

**BYLAWS OF THE INTER-AMERICAN COMMISSION FOR  
ORGANIC AGRICULTURE**

The INTER-AMERICAN BOARD OF AGRICULTURE (IABA), at its Fifteenth Regular Meeting,

HAVING SEEN:

Document IICA/CE/Res.506(XXIX-O/09), “Bylaws of the Inter-American Commission for Organic Agriculture (ICOA)”,

CONSIDERING:

That, at its Twenty-ninth Regular Meeting, in Resolution IICA/CE/Res.506(XXIX-O/09), the Executive Committee adopted, subject to approval by the IABA, the bylaws of the Inter-American Commission for Organic Agriculture; and

That the Member States that make up the IABA are in agreement with the procedures and decisions adopted by the Executive Committee for the approval of said bylaws, and recognize the importance of this Commission in promoting and guiding the development of organic agriculture in the Americas,

RESOLVES:

To approve the Bylaws of the Inter-American Commission for Organic Agriculture attached to this resolution.

## **APPENDIX A**

### **BYLAWS OF THE INTER-AMERICAN COMMISSION FOR ORGANIC AGRICULTURE (ICOA)**

#### **CHAPTER I**

#### **ORGANIZATION, FUNCTIONS AND MEMBERSHIP**

##### **Article 1**

##### **NATURE**

1. The Inter-American Commission for Organic Agriculture (ICOA) is a Special Commission that was established by the Inter-American Board of Agriculture (IABA), in accordance with Article 52 of its Rules of Procedure.

2. The ICOA shall have technical autonomy for the discharge of its functions, within the parameters established in the Convention on the Inter-American Institute for Cooperation on Agriculture, these Bylaws and the resolutions of the IABA and the Executive Committee. The ICOA is subordinate and answerable to the Executive Committee and has no enforcement power with regard to IICA.

##### **Article 2**

##### **STRUCTURE**

The ICOA shall accomplish its objectives through:

- a. The Assembly of the ICOA
- b. The Board of Directors (BD/ICOA)
- c. The Technical Secretariat

##### **Article 3**

##### **OBJECTIVES AND FUNCTIONS**

##### **Objectives**

1. The objectives of the ICOA are:

- a.To contribute to the development of organic agriculture in the countries of the Americas, trade in its products, and serve as a technical body for knowledge management and the sharing and dissemination of appropriate information in a timely manner;
- b.To contribute to the strengthening of the institutional structures of the Competent Authorities in Organic Agriculture in the countries of the Americas;
- c.To coordinate and promote the development and harmonization of standards and procedures to stimulate and regulate the production and control of and trade in organic foods in the countries of the Americas;
- d.To serve as a mechanism for consultation, liaison and reciprocal cooperation with the competent governmental bodies that promote and establish standards for the development and control of organic agriculture in each country of the Americas; and
- e.Within the framework of other functions that contribute to the development of organic agriculture, to sponsor, insofar as possible, the development of organic agriculture and its institutional framework.

## **Functions**

### **2. The functions of the ICOA are:**

- a.To monitor the international environment that impacts organic agriculture in the region, send out alert signals to the Member States of the ICOA and advocate the taking of positions and the building of common regional strategies by the public and private sectors on topics that are important for and relevant to organic agriculture;
- b. To encourage the organization of electronic discussion fora and studies on relevant topics that impact the functioning of the offices of the Competent Authorities and the overall development of organic agriculture;
- c.To promote virtual and face-to-face training fora on topics of relevance for enhancing the performance of the offices of the Competent Authorities and for the overall development of organic agriculture and, in so doing, give preference to existing capabilities in the hemisphere;

- d. To advise and work with the respective Member States of the ICOA in preparing standards to govern organic agriculture and setting in place and consolidating the offices of the Competent Authorities;
- e. To promote horizontal cooperation among the Member States of the ICOA to facilitate an exchange of information and sharing of experiences to bring development levels with regard to organic agriculture more in line with one another;
- f. To provide advice to and work with the authorities of the agricultural sector in Member States of the ICOA, and with other authorities related to the sector, when so requested, in the area of decision-making on topics related to organic agriculture;
- g. To gather, compile and share information of interest to the Member States of the ICOA and maintain an up-to-date database on organic agriculture with official information from the offices of the Competent Authorities and other pertinent information of interest in terms of supporting decision-making processes in which stakeholders in organic agriculture are involved;
- h. To prepare an annual report on the status of organic agriculture in the Americas based on information which the Competent Authorities of the ICOA shall provide at the request of their Technical Secretariat;
- i. To report on relevant events that affect the development of organic agriculture and that might be of interest to the Member States of the ICOA;
- j. To coordinate activities and determine positions with international multilateral and other cooperation organizations that support activities in aid of organic agriculture, especially in international fora;
- k. To serve as the main advisory body of the Member States of the ICOA, IICA and other entities that so request, on related topics;
- l. To consider other matters related to inter-American cooperation in the field of organic agriculture entrusted to it by the Executive Committee of IICA;
- m. To submit to the Executive Committee of IICA – through the Director General of IICA – an annual report on its activities, which may include recommendations and draft resolutions for its consideration;

- n.To establish liaison and cooperative ties with other similar entities in the Americas so as to achieve mutual objectives;
- o.To mobilize resources for the execution of its activities, in accordance with Article 24 of these Bylaws.

#### Article 4

### MEMBERSHIP

1. The Members of the ICOA are:

- a.All Member States of IICA that are members of the Network of Competent Authorities in Organic Agriculture in the Americas, established in Managua, Nicaragua, in August of 2007, at the time these Bylaws are adopted; and
- b.Other Member States of IICA that have institutional entities that are part of the duly established Competent Authority in Organic Agriculture to perform oversight and regulatory functions related to organic agriculture and that request inclusion on the Commission, in writing, from the Director General of IICA, through the respective Minister of Agriculture.

2. Any Member State of the ICOA may withdraw from the Commission by addressing a letter, signed by the Minister of Agriculture, to the Director General of IICA. The withdrawal shall take effect ninety days following receipt of the letter by the Director General, during which time the Member State of the ICOA may reconsider its request and cancel it.

### CHAPTER II

### ASSEMBLY OF THE ICOA

#### Article 5

### PURPOSE AND FUNCTIONS

#### **Purpose**

1. The purpose of the Assembly of the ICOA is to serve as an Inter-American Forum for the Competent Authorities in Organic Agriculture in Member States of the ICOA to engage in an exchange of views and share experiences, and thereby take appropriate decisions to achieve targeted objectives and fulfill mandates assigned.

## **Functions**

2. The functions of the Assembly of the ICOA are:
  - a. To establish policies for achieving the objectives and fulfilling the functions established in Article 3 of these Bylaws;
  - b. To elect the members of the BD/ICOA;
  - c. To approve the Work Plan and Budget of the ICOA prepared and presented by the BD/ICOA;
  - d. To propose to the Executive Committee of IICA amendments to these Bylaws for its approval; and
  - e. To approve the Rules of Procedure of the ICOA and amendments thereto, if this is considered necessary for the achievement of its objectives and the discharge of its functions.

## **Article 6**

### **VENUE AND FREQUENCY OF THE MEETINGS**

1. The ICOA shall hold a regular meeting of its Assembly each year. The venue of this meeting shall be determined at the previous regular meeting. If more than one country offers to host the meeting, the decision shall be made on the basis of the principle of rotation. When no country offers to host the meeting, the annual regular meeting shall be held at IICA Headquarters.
2. The Assembly of the ICOA can hold special meetings called pursuant to the adoption of a resolution by a vote in favor of two-thirds of its Member States at the Assembly, or by correspondence or e-mail, at the request of the BD/ICOA, or at least ten of its Member States. In accordance with Article 17 of these Bylaws, the BD/ICOA shall determine the venue for the special meeting, taking into account the offers to host the meeting received from Member States and the principle of rotation. When no country offers to host the meeting, the venue of the Assembly shall be IICA Headquarters.

## PARTICIPATION IN THE ASSEMBLY OF THE ICOA

### **Representation**

1. Each Member State has the right to send a Regular Representative to the Assembly of the ICOA who shall have the right to voice and vote. He/she shall be accompanied by alternate representatives and/or advisors, who must be accredited to the Assembly through the Technical Secretariat of the ICOA. The Regular Representative of each Member State at the Assembly shall be the official in charge of the duly established Competent Authority in Organic Agriculture in that State or, in his/her stead, a well experienced and recognized official of that Authority designated by the official in charge of the Competent Authority in the Member State.

2. The Director General of IICA, or his representative, may participate with voice but without vote in the deliberations of the Assembly of the ICOA, in both the plenary sessions and those of the committees and subcommittees.

### **Observers**

3. If their participation is requested in writing sufficiently in advance, the following may be represented by observers at the meetings of the Assembly of the ICOA, and shall have the right to voice but not to vote, subject to the decision of the Chair of the Assembly.

- a. Member States of IICA that are not members of the ICOA, the associate country, and Permanent Observers of IICA that have asked to participate in the meeting;
- b. States in the Americas that are not Member States of IICA that have asked to participate in the meeting and whose participation has been approved by the BD/ICOA;
- c. Inter-American regional and subregional government entities and organizations involved in organic agriculture;
- d. Specialized bodies and agencies connected with the United Nations and other public international organizations; and
- e. The Director General of IICA.

## **Guests**

4. Other persons or institutions, including representatives of civil society, not included in this article, may attend the meetings of the Assembly of the ICOA as special guests, subject to approval by the BD/ICOA, and in consultation with the government of the host country.

## **Article 8**

### **OFFICERS OF THE ASSEMBLY OF THE ICOA**

1. There shall be a Chair and a Vice Chair of the Assembly of the ICOA. The Chair shall be the Competent Authority in Organic Agriculture in the host country, and the Vice Chair shall be the representative of the Member State that follows the country of the Chair in alphabetical order.

2. In the event that the Assembly is held at IICA Headquarters, the Chair of the BD/ICOA shall preside in the interim until a Chair is elected by vote.

## **Article 9**

### **AGENDA**

1. With support from the Technical Secretariat, the BD/ICOA shall prepare the preliminary agenda for each session of the Assembly of the ICOA and shall submit it for the consideration of Member States at least three months prior to the inauguration of the meeting of that Assembly. Member States shall have 30 consecutive days to submit their observations on the preliminary agenda to the Chair of the BD/ICOA. The BD/ICOA shall prepare the final agenda on the basis of these observations.

2. The agenda thus approved may only be modified or amended during the meeting of the Assembly of the ICOA by a vote of two-thirds of the Member States present.

## **Article 10**

### **SESSIONS AND MEETINGS**

Each meeting of the Assembly of the ICOA shall consist of the plenary sessions and such presentations as may be necessary to address the entire agenda for the meeting.

## **Article 11**



## **COMMITTEES**

1. The Assembly of the ICOA may establish committees, subcommittees and working group when it needs to do so. The committees may be standing committees or may be for a limited time.
2. The Assembly of the ICOA shall designate coordinators for each committee, subcommittee and working group, who shall be responsible for following up on the work entrusted and presenting reports on results to the General Assembly.
3. The meetings of the committees, subcommittees and working groups may be virtual or face-to-face, depending on the nature of the work to be accomplished and the availability of resources.

### **Article 12**

## **QUORUM**

1. The quorum of the plenary sessions shall consist of more than one-half of the Member States of the ICOA.
2. The quorum of the committees, subcommittees and working groups of the Assembly of the ICOA shall consist of more than one-half of the Member States sitting on each of those bodies.

### **Article 13**

## **VOTING**

1. The decisions of the Assembly of the ICOA shall be adopted at the plenary sessions, except for special cases when it is necessary to vote by correspondence, or by e-mail, in which case this procedure shall be coordinated by the Technical Secretariat of the ICOA. Each Member State shall have the right to one vote. The right to vote does not imply an obligation to vote.
2. In the event that consensus is not reached in the deliberations, the decisions of the Assembly of the ICOA shall be adopted by a vote of the absolute majority of Member States present, unless the vote is by correspondence or by e-mail.
3. In the committees, subcommittees and working groups, the decisions shall be adopted by a simple majority of Member States present.

4. The vote in a meeting of the Assembly, committee, subcommittee or working group, as the case may be, shall not be in order unless the requirements as to the corresponding quorum have been met and Member States have been duly advised to participate duly in advance of the meeting.

5. As used in these Bylaws, the term “absolute majority” means over half of the votes of the Member States present at a meeting of the Assembly of the ICOA. The term “simple majority” means more than half of the members present and voting in any session of a committee, subcommittee or working group.

6. If decisions need to be made concerning urgent matters and the Assembly is not in session, the procedure of voting by correspondence or e-mail may be employed. In such cases, at the written request of the BD/ICOA, presented through its Chair, or at the request of twelve or more of the representatives of the Member States, by means of a petition signed by them, the Technical Secretary shall send all the Member States the information related to the matter in question, including a proposition to resolve the issue. He shall also ask the Member States to cast their votes and inform them of the deadline for receipt of the votes submitted in writing or by e-mail. Once the deadline has passed, the Technical Secretary shall count the votes, certify the result and inform the Member States of the outcome. The decisions of the Assembly taken using this procedure shall be adopted by a vote of the absolute majority of the Member States.

## **CHAPTER III**

### **THE BOARD OF DIRECTORS (BD/ICOA)**

#### **Article 14**

### **MEMBERSHIP**

1. The Board of Directors (BD/ICOA) is the governing body of the ICOA and comprises four Members of the ICOA, elected by the Assembly of the ICOA and observing, insofar as possible, the principles of rotation and equitable geographical representation.

- a. Three members of the ICOA who are members of the BD/ICOA shall be elected by direct vote.
- b. The fourth member of the BD/ICOA shall be the representative of the Member State that is designated to host the next Regular Meeting of the Assembly of the ICOA. If no country has been designated by the Assembly to host the next

Regular Meeting, or if the country of one of the three members elected by direct vote will be hosting the next Regular Meeting, the fourth member shall be elected in the Assembly by drawing lots among the members of the ICOA who are not members of the BD/ICOA and who have not served as members of the BD/ICOA during the previous two years.

2. Except for what is specified in the transitional provisions adopted by the Executive Committee, the members of the BD/ICOA elected by the Assembly by direct vote shall serve for a three-year term. One of the members shall be replaced each year at the Regular Meeting of the Assembly.

3. The term of the member of the BD/ICOA who is the representative of the country that will be hosting the next meeting of the BD/CIA shall begin at the end of the Assembly held in the year prior to the year in which his/her country will be hosting the Assembly, and finish at the end of the Assembly hosted by his/her country.

4. The representative of each Member State on the BD/ICOA shall be the official in charge of that State's duly established Competent Authority in Organic Agriculture or, in his/her stead, a well-experienced and recognized official of that Authority who is accredited to the BD/ICOA, through the Technical Secretary, by the official in charge of the Competent Authority of the Member State.

5. If, due to some unforeseen event, no Regular Meeting of the Assembly is held during the calendar year, the terms of the members of the BD/ICOA shall be extended until the next Regular Meeting, so that no more than one member is elected at that next Regular Meeting and in subsequent Regular Meetings.

6. If a Member State resigns its membership of the BD/ICOA, the BD/ICOA shall appoint another member to take its place until the next Regular Meeting, when a special election will be held to choose a member to serve out the remainder of the term of the member that resigned. Special elections of this kind shall not be taken into account for the purposes of the application of paragraph 5 of this Article.

## Article 15

### **ORGANIZATION MEETING AND ELECTION OF OFFICERS**

The Assembly of the ICOA shall elect the members and officers of the BD/ICOA during its first plenary session.

## Article 16

### **CHAIR OF THE BD/ICOA**

The Chair of the BD/ICOA will have the following specific responsibilities:

- a. To chair the sessions of the Commission;
- b. To supervise and coordinate the discharge of the functions of the BD/ICOA, especially during the period between its Regular Meetings; and,
- c. To represent the ICOA in its dealings with the IABA and the Executive Committee of IICA, and with other organizations that participate in the development of organic agriculture within the region and outside it.

## Article 17

### **FUNCTIONS OF THE BD/ICOA**

The functions of the BD/ICOA are as follows:

- a. To carry out the decisions of the Assembly of the ICOA, taking into account the rules governing the operation of the IABA and the Executive Committee of IICA;
- b. To achieve and enforce the objectives specified in Article 3;
- c. To decide the dates of the Regular and Special Meetings of the Assembly of the ICOA and the venues for Special Meetings, and modify the dates and venues of either as and when necessary;
- d. To prepare the draft agendas of the Regular and Special Meetings of the Assembly of the ICOA and submit them to the Members of the ICOA for consideration, through the Technical Secretary, to comply with the provisions of Article 9;
- e. To propose to the Assembly of the ICOA any amendments it deems necessary to these Bylaws and, should any be adopted, to its Rules of Procedure;
- f. To establish a Work Program for the Technical Secretariat and for the Chair of the BD/ICOA to implement the decisions of the Assembly of the ICOA;

- g. To adopt any urgent measures that cannot wait until the next meeting of the Assembly of the ICOA, which shall remain in effect until the Assembly of the ICOA can consider them;
- h. To represent the ICOA, through its Chair or another member of the BD/ICOA, in international, regional or national meetings or conferences devoted to organic agriculture or collateral activities;
- i. With the collaboration of the Technical Secretariat, to prepare studies, draft agreements and inter-American treaties and other documents related to organic agriculture in the hemisphere;
- j. To examine and approve the annual report on the activities of the ICOA prepared by its Technical Secretariat
- k. To submit to the General Assembly of the ICOA the report on the activities of the ICOA.
- l. Through the Director General of IICA, to submit to the Executive Committee the annual report on the activities of the ICOA;
- m. To create any technical committees and working groups that it deems necessary and establish their work programs;
- n. Within the framework of the objectives of the ICOA, to plan and coordinate the inter-American activities within its purview, related to organic agriculture;
- o. To study and approve the Work Plan of the ICOA and the proposed budget prepared by its Technical Secretariat, ensuring the greatest possible economy but bearing in mind the ICOA's obligation to achieve satisfactory results in its work programs;
- p. To present for consideration and approval by the ICOA, at the Regular Meeting of its Assembly, the Work Plan and budget for its operation;
- q. To oversee implementation of the Work Plan and budget of the ICOA approved by the Assembly.

## Article 18

### **MEETINGS AND VENUE OF THE BD/ICOA**

1. The BD/ICOA shall hold a Regular Meeting each year in the country where the Regular Meeting of the Assembly is to take place. The meeting shall be held two days before the Regular Meeting of the Assembly.
2. The BD/ICOA may hold special on-site or virtual meetings when necessary, subject to the availability of resources. The Technical Secretary shall convene special meetings at the request of the Chair of the BD/ICOA or at the written request of two or more members.

## Article 19

### **QUORUM**

The quorum for a meeting of the BD/ICOA shall consist of more than one-half of its members.

## Article 20

### **VOTING**

1. In the deliberations of the BD/ICOA, each member shall have one vote. If no consensus is reached, the Board's decisions shall be adopted by a vote of the absolute majority of its members. However, in matters of procedure, decisions shall be taken by a simple majority of voting members present. In the latter case, abstentions shall not be counted as votes cast.
2. The vote in a meeting of the BD/ICOA shall not be in order unless the requirements as to the corresponding quorum have been met and the members of the BD/ICOA were duly notified prior to the meeting.
3. If decisions need to be made concerning urgent matters and the BD/ICOA is not in session, the procedure of voting by correspondence or e-mail may be employed. In such cases, at the written request of the Chair of the BD/ICOA or at the request of two or more of its members, through a signed petition, the Technical Secretary shall send the members of the BD/ICOA the information related to the matter in question, including a proposition for resolving the issue. He shall also ask the members to cast their votes and inform them of the deadline for receipt of the votes submitted in writing or by e-mail.

Once the deadline has passed, the Technical Secretary shall count the votes, certify the result and inform the Member States of the outcome.

## **CHAPTER IV**

### **THE TECHNICAL SECRETARIAT**

#### **Article 21**

#### **OBJECTIVES AND FUNCTIONS**

The Technical Secretariat is the permanent, technical and administrative central entity of the ICOA. It shall coordinate the technical and administrative services needed to implement the decisions of the Assembly of the ICOA and the BD/ICOA, and shall perform the functions assigned to it by those bodies.

#### **Article 22**

#### **THE TECHNICAL SECRETARY OF THE ICOA**

In consultation with the BD/ICOA, the Director General of IICA shall appoint the Secretary Technical of the ICOA, who shall have the following functions:

- a. To carry out the technical and administrative tasks entrusted to the Secretariat and to coordinate the administrative services provided by the Secretariat;
- b. To prepare an annual work program for presentation to the BD//ICOA, pursuant to the provisions of Article 3 of the present Bylaws and the decisions of the Assembly;
- c. To prepare and present to the BD//ICOA and to the Director General of IICA the draft program-budget of the ICOA, for consideration in the Institute's draft budget. The draft program-budget of the ICOA shall include the expenses related to travel and the salaries of the personnel assigned to the Secretariat of the ICOA;
- d. To assist in the coordination and collaborate in the execution of the work plans of any working groups established by the Assembly of the ICOA and the BD//ICOA;
- e. To make the preparations for the Regular and Special Meetings of the Assembly of the ICOA and the BD//ICOA;

- f. To verify the credentials of the participants in the Assemblies of the ICOA and the BD//ICOA, and ensure that the minutes and resolutions of the meetings of those bodies meet IICA's requirements in terms of form and style.
- g. To prepare annual reports on the situation of organic agriculture with the information provided by the Competent Authorities that are members of the Commission, and any other data it deems pertinent.
- h. To prepare an annual report on the activities carried out by the ICOA.
- i. To perform its functions in accordance with IICA's regulations and other rules

#### Article 23

### **SECRETARIAT SERVICES**

In accordance with the funds allocated in IICA's Program Budget, the Director General of IICA shall provide the ICOA with Technical Secretariat services and any other services required to achieve the objectives established in Article 3.

## **CHAPTER V**

### **RESOURCES OF THE ICOA**

#### Article 24

### **SOURCES OF FINANCING OF THE ICOA**

- 1. The main resources of the ICOA shall come from:
  - a. Funds from ICOA Member States to defray the expenses of its representatives and the activities for which it is responsible;
  - b. Financial assistance, donations and specific contributions from technical and financial cooperation agencies, which may include IICA;



- c. Financial assistance, donations and specific contributions from institutions, individuals and legal entities.
- d. Financial assistance, donations and contributions from the host and other countries to defray the costs of meetings.

2. These specific funds shall be managed and accounted for pursuant to the Rules of Procedure of the General Directorate and the Financial Rules of IICA.

Article 25

## **OTHER RESOURCES**

The Member States of the ICOA and other institutions may channel and offer other resources, materials, facilities and equipment, and temporarily assign personnel to the Technical Secretariat for internships and to provide professional support services.

## **CHAPTER VI**

### **OFFICIAL AND WORKING LANGUAGES**

Article 26

## **LANGUAGES**

If sufficient resources are available, and it proves necessary, interpretation services and translations of pertinent documents shall be provided at the meetings held.

## **CHAPTER VII**

### **GENERAL PROVISIONS RELATED TO THE BYLAWS AND RULES OF PROCEDURE**

## Article 27

### **GOVERNING PROVISIONS**

The ICOA shall be governed by the present Bylaws, any Rules of Procedure that may be adopted, and the pertinent resolutions of the IABA and the Executive Committee of IICA.

## Article 28

### **AMENDMENTS**

The present Bylaws approved by the Executive Committee, pending final approval by the IABA, may only be amended by the IABA or the Executive Committee of IICA, on their own initiative or at the request of the ICOA.

## Article 29

### **RULES OF PROCEDURE OF THE ICOA**

1. The ICOA may adopt Rules of Procedure, provided they are consistent with the present bylaws. If Rules of Procedure are adopted, the Technical Secretary shall present them to the Executive Committee of IICA for informational purposes.
2. Procedural issues related to the Assembly not provided for in these Bylaws or in any Rules of Procedure that may be adopted shall be resolved by the Assembly. Procedural issues related to the BD/ICOA not provided for in these Bylaws or in any Rules of Procedure that may be adopted shall be resolved by the BD/ICOA.

## Article 30

### **ENTRY INTO FORCE AND DURATION**

1. The present Bylaws shall enter into force on the date of their approval by the Executive Committee, pending final approval by the IABA.
2. The ICOA and its Bylaws shall remain in force for an indefinite period of time and may be abolished by a resolution of the Executive Committee, pending final approval by the IABA, or by the IABA on its own initiative.